

MICHAEL A. CARDOZO
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BRIAN G. MAXEY
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March 25, 2008

BY FAX
Honorable Richard J. Holwell
United States District Court Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/2/08

Re: Paul Simmons v. City of New York et al, 07 CV 3241 (RJH)(MHD)

Your Honor:

I am the Assistant Corporation Counsel assigned to the defense of the above-captioned matter. Enclosed, please find a stipulation and order of settlement and discontinuance for your endorsement.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "B. Maxey".

Brian G. Maxey

CC BY MAIL
Paul Simmons
Plaintiff pro se

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

PAUL SIMMONS, x

Plaintiff, **STIPULATION AND ORDER
OF SETTLEMENT AND
DISMISSAL**

-against-

ASSISTANT COMMISSIONER MARK CRANSTON,
DEPUTY WARDEN CRIPPS, DEPUTY WARDEN
COLLINS, CAPTAIN BROWN, CORRECTION
OFFICER LAWRENCE, 07 CV 3241 (RJH)(MHD)

Defendants.

----- **NON-ECF CASE**

WHEREAS, plaintiff commenced this action by filing a complaint on or about April 23, 2007, alleging that defendants violated his federal civil and state common law rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.
2. Defendant City of New York hereby agrees to pay plaintiff the total sum of ONE THOUSAND EIGHT HUNDRED AND FIFTY (\$1,850.00) DOLLARS in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration

for the payment of this sum, plaintiff agrees to the dismissal of all the claims against defendants Assistant Commissioner Mark Cranston, Deputy Warden Cripps, Deputy Warden Collins, Captain Brown, and Correction Officer Lawrence, their successors, or assigns, and all past and present officials, employees, representatives and agents of the New York City Department of Correction and the City of New York, and the City of New York, from any and all liability, and any and all claims which were or could have been alleged in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by defendant that it has in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

6. This Stipulation and Order contains all the terms and conditions agreed

upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
March 28, 2008

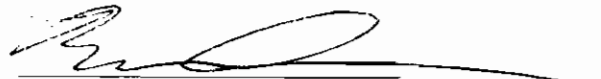
PAUL SIMMONS
Plaintiff pro se
#12038/Ward 31-32
Mid-Hudson Psychiatric Center
Box 158
New Hampton, NY 10958-0158

MICHAEL A. CARDOZO
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City of New York
Attorney for Defendants
100 Church Street
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(212) 788-0987


By:


PAUL SIMMONS, *Plaintiff pro se*

By:


BRIAN G. MAXEY (BM 0451)
Assistant Corporation Counsel

SO ORDERED:

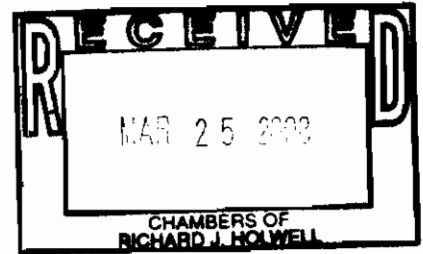

HON. RICHARD J. HOLWELL
UNITED STATES DISTRICT JUDGE

The Clerk is requested to close this case.





**THE CITY OF NEW YORK
LAW DEPARTMENT**
100 CHURCH STREET
NEW YORK, NY 10007
FACSIMILE TRANSMISSION



TO: Honorable Richard J. Holwell
United States District Court Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

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FAX #: 212-805-7948

DATE: Tuesday, March 25, 2008

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Message: